



**CITY OF DANBURY**  
155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

**ZONING BOARD OF APPEALS**  
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**Zoning Board of Appeals**  
**Minutes**  
October 22, 2020  
7:00 p.m.

**ROLL CALL:**

Acting Chairman Rodney Moore called this meeting, via ZOOM, to order at 7:02 p.m. Present were Rodney Moore, Joseph Hanna, Juan Rivas, and Peter DeLucia. Mr. Moore seated Mr. DeLucia in place of Chairman Richard Jowdy. Mr. Moore explained the procedures for the meeting and because only four members had joined the meeting, any approval would have to be unanimous. Mr. Hiteshew of Stone Ridge Development LLC agreed to proceed with his application.

Absent: Richard Jowdy, Anthony Rebeiro, and Rick Roos.

**ACCEPTANCE OF MINUTES:** October 8, 2020

Motion to accept the minutes of October 8, 2020 was made by Peter DeLucia. Motion seconded by Joseph Hanna. Motion passed with Ayes from Rodney Moore, Peter DeLucia, Joseph Hanna, and Juan Rivas.

The next regular meeting is scheduled for **November 12, 2020**

**PUBLIC HEARINGS (Continued):**

Mr. Moore read the public notice from the October 8, 2020 meeting relating to Application #20-30. Motion to open public hearing by Joseph Hanna, second by Peter DeLucia. Motion passed with Ayes from Rodney Moore, Peter DeLucia, Joseph Hanna, and Juan Rivas.

Commissioner Michael Sibbitt joined the meeting at 7:05 p.m. There are now five board members.

#20-30: Stone Ridge Development LLC & Heajung Chang (contract purchaser), 4A Morton St., (J16108), RA-8 Zone

Sec. 8.A.2.c.(4) Reduce bottom edge of excavation from 5' to 0' for modular block retaining wall.

Steven Hiteshew of Stone Ridge Development LLC, the builder of 4A Morton Street, appeared on behalf of this application. Mr. Moore was able to share the map of the property. He had constructed a 2' high modular block retaining wall and set on a base of gravel. He was unaware of the regulation of maintaining 5' from the property line. He is about 24" lower than the back property. Mr. Hiteshew explained that water runs off into his property. To alleviate massive runoff from back property, he put up this wall to accept the water coming down and somewhat filters and regulates the flow through the stone and through the block onto the grass area.

Mr. Hiteshew said he is asking for forgiveness at this point. Along the back, he went on the property line, and the wall serves to redirect the water and also to hold up the fence. Wall is 24" high & on one side it is 24" – 30".

Mr. Moore explained three, nearly identical, letters were submitted in favor of this application. Mr. Moore read the letter from Ed Solheim, 6 Morton Street, dated September 4, 2020, into the record. This letter is marked as Exhibit A. Other letters, in support of the application, were submitted by adjacent property owners, Connie Amaral, 18 High Street, and Richard Cordeiro and Jacqueline L. Peton of 4 Morton Street. Mr. Hiteshew mentioned that the neighbors were happy with what he has done.

There were no questions. No one appeared in favor or opposed.

Motion to close #20-30, Stone Ridge Development LLC, was made by Joseph Hanna; seconded by Peter DeLucia. All in favor with Ayes from Rodney Moore, Peter DeLucia, Joseph Hanna, Juan Rivas, and Michael Sibbitt.

Motion to vote by Joseph Hanna; seconded by Juan Rivas. All in favor with Ayes from Rodney Moore, Peter DeLucia, Joseph Hanna, Juan Rivas, and Michael Sibbitt.

Motion to approve #20-30, 4A Morton Street, per plan submitted, was made by Joseph Hanna; as it does not adversely affect the safety and well-being of the community and helps filter the water. Motion seconded by Peter DeLucia. All in favor with Ayes from Rodney Moore, Peter DeLucia, Joseph Hanna, Juan Rivas, and Michael Sibbitt.

OLD BUSINESS:

#20-32: 7-Eleven, Inc., 106A Federal Road, (L09012), CG-20 Zone

Application for Certificate of Location Approval for sale of gasoline, pursuant to C.G.S. § 14-321.

Acting Chairman Rodney Moore explained that this application was heard at the October 8, 2020 meeting. One detail was omitted – the vote to approve.

Motion to vote on #20-32, 106A Federal Road, was made by Joseph Hanna; seconded by Michael Sibbitt. No discussion.

Motion to approve this application for certificate of approval by Peter DeLucia; seconded by Joseph Hanna. All in favor with Ayes from Rodney Moore, Peter DeLucia, Joseph Hanna, Juan Rivas, and Michael Sibbitt.

NEW BUSINESS: None

CORRESPONDENCE: None

OTHER MATTERS: None

ADJOURNMENT:

Motion to adjourn was made by Joseph Hanna; seconded by Peter DeLucia. All in favor with Ayes from Rodney Moore, Peter DeLucia, Joseph Hanna, Juan Rivas, and Michael Sibbitt at 7:17 p.m.

Respectfully submitted,

Mary S. Larkin  
Recording Secretary